

REMARKS

The office action issued by the Examiner and the citation referred to in the office action have been carefully considered.

Claims 1, 4, 5, 8, and 10 – 14 are amended with this response.

Claims 2, 3, 6, 7, and 9 are cancelled without prejudice or disclaimer.

Claim 15 is newly added with this response.

Claim Rejections

The Examiner rejected claim 1 under 35 U.S.C. § 102(e) as being anticipated by US Publication 2001/0012204 to Sharrah et al. However, the Examiner indicated that claim 6 would be allowable if rewritten in independent form, including all of the limitations of the base claim (claim 1). Therefore, claim 1 has been amended to include the feature(s) of claim 6, and claim 6 has been cancelled. Claims 4, 5, 8, and 10 should additionally be considered allowable since they depend from claim 1.

Claims 11 and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,230,560 to Lyons.

Lyons teaches the light source being a gaseous discharge tube or an incandescent lamp, such as a halogen lamp. Lyons does not teach or suggest the light source being a light emitting diode. The present application, however, provides for a device that can be used in or near flammable materials, which standard incandescent bulbs are unsuitable for.

Claim 11 has thereby been amended to include “at least one light emitting diode mounted on a circuit board.” It is respectfully requested that the rejection of claim 11 should be withdrawn. Similarly, the rejection of dependent claims 13 and 14 should also be withdrawn.

Oath/Declaration

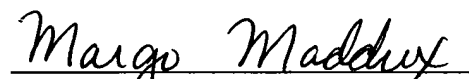
The Examiner objected to the Oath/Declaration, stating that it was not executed in accordance with 37 CFR 1.66 or 1.68. The Applicant has carefully examined the submitted Declaration and cannot identify any defect. The Applicant respectfully requests that the

Examiner provide more specific detail as to the defect. For the Examiner's reference, a complete copy of Response to Notice to File Missing Parts (including signed oath/declaration), as well as the Updated Filing Receipt evidencing completion of missing parts, are attached.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,

Date: May 10, 2004


Margo Maddux
Patent Agent, Reg. No. 50,962

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\\LA-SRV01\234844v01

Response re Missing Parts
(03/20/02)

RECEIVED

APR 12 2002

QWD

Receipt is hereby acknowledged for the following the U.S. Patent and Trademark Office:

In re Application of: Rex Carswell George Niven
Client: Alban Tay Mahtani DeSilva
For: SAFETY/WARNING DEVICE
Serial No.: 10/071,163
Filed: February 8, 2002
Docket: 21429-14

Date of Deposit: March 20, 2002

Due Date: May 4, 2002

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Power of Attorney by Assignee and Exclusion of Inventors under 37 CFR 3.71
- ☒ Declaration, Power of Attorney and Petition
- ☒ Copy of Notice to File Missing Parts
- ☒ Check in the amount of \$65.00 to cover the government fee for a small entity
- ☒ Return postcard




CB:kw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Rex Carswell George Niven	Examiner:	Unknown
Serial No.:	10/071,163	Group Art Unit:	2635
Filed:	February 8, 2002	Docket:	21429-12
Due Date:	May 4, 2002		
Title:	SAFETY/WARNING DEVICE		

CERTIFICATE UNDER 37 CFR 1.8

I hereby certify that this correspondence and identified enclosures are being deposited with the United States Postal Service, first class mail, postage prepaid, under 37 C.F.R. 1.8 on the date indicated, and is addressed to the Assistant Commissioner for Patents, BOX: Missing Parts, Washington, D.C. 20231 on March 20, 2002.


Kelly Walsh

Assistant Commissioner for Patents
Box: Missing Parts
Washington, D.C. 20231

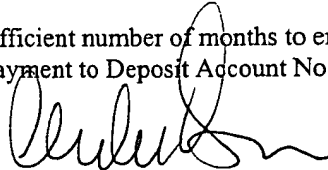
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Power of Attorney by Assignee and Exclusion of Inventors under 37 CFR 3.71
- ☒ Declaration, Power of Attorney and Petition
- ☒ Copy of Notice to File Missing Parts
- ☒ Check in the amount of \$65.00 to cover the government fee for a small entity
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 16-2230. A duplicate of this sheet is enclosed.

OPPENHEIMER WOLFF & DONNELLY LLP
2029 Century Park East, 38th Floor
Los Angeles, CA 90067-3024
(310) 788-5000
Email: CBerman@oppenheimer.com

By: 
Name: Charles Berman
Reg. No.: 29,249
CB/kw

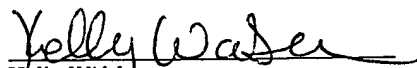
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Rex Carswell George Niven	Examiner:	Unknown
Serial No.	10/071,163	Group Art Unit:	2635
Filed:	February 8, 2002	Docket No.	21429-14
Title:	SAFETY/WARNING DEVICE		

CERTIFICATE UNDER 37 CFR 1.8

I hereby certify that this correspondence and identified enclosures are being deposited with the United States Postal Service, first class mail, postage prepaid, under 37 C.F.R. 1.8 on the date indicated, and is addressed to the Assistant Commissioner for Patents, BOX: Missing Parts, Washington, D.C. 20231 on March 20, 2002.


Kelly Walsh

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

BOX: Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application mailed March 4, 2002, enclosed herewith are the following:

1. Power of Attorney by Assignee and Exclusion of Inventors Under 37 C.F.R. 3.71;
2. Declaration, Power of Attorney and Petition;
3. Copy of Notice to File Missing Parts;
4. Check in the amount of \$65.00 to cover the government fee for a small entity.

Assignment for recordation from Rex Carswell George Niven to Eflare Corporation Pty Ltd along with an Assignment Cover Sheet is being sent under separate cover to BOX ASSIGNMENTS.

Serial No. 10/071,163

Please charge any deficiencies and credit any overpayment involving these papers to our
Deposit Account No. 16-2230. A duplicate copy of this letter is enclosed.

Respectfully submitted,



Charles Berman
Reg. No. 29,249

Date: March 20, 2002

OPPENHEIMER WOLFF & DONNELLY LLP
2029 Century Park East
38th Floor
Los Angeles, CA 90067-3024
Phone: (310) 788-5000
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Rex Carswell George Niven

Application No.: 10/071,163

Group Art Unit: 2635

Filed: February 8, 2002

Examiner: Unknown

For: SAFETY/WARNING DEVICE

Attorney Docket No.: 21429-14

**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints:

Berman, C., Reg. 29249
Bobys, M.P., Reg. 45,267
Bosworth, M.K., Reg. 28,186
Bovasso, L.J., Reg. 24,075
Boyce, J., Reg. 40,920
Brown, M.E., Reg. 28,590
Burton, D.L., Reg. 45,323
Canter, B., Reg. 34,792
Chen, A., Reg. P48,508
Chou, C., Reg. 41,672
Coleman, B.R., Reg. 39,145
Cullman, L.C., Reg. 39,645
Darrow, C., Reg. 30,166
Diepenbrock III, A.B., Reg. 39,960
Edwards, W.G., Reg. 44,426
Farber, M., Reg. 32,612
Guernsey, L.B., Reg. 40,008

Guillot, R.O., Reg. 28,852
Hamrick, C.A.S., Reg. 22,586
Hansen, S.R., Reg. 38,486
Harris, M.D., Reg. 26,690
Hayden, R.D., Reg. 42,645
Heyninck, M., Reg. 44,763
Hickman, P.L., Reg. 28,516
Hilberg, C.R., Reg. P48,740
Howell, S.M., Reg. 45,929
Hughes, M.J., Reg. 29,077
Inskoop, J.W., Reg. 33,910
Jastram, H.D., Reg. 19,777
Kelley, S.S., Reg. 43,449
Kennedy, B., Reg. 33,407
Khan, T., Reg. 46,273
Kudla, J.P., Reg. P47,724

Larson, D.N., Reg. 29,401
Lazaris, S.J., Reg. 45,981
Lervick, C.J., Reg. 35,244
Lieske, S.C. Reg. 47,749
MacLean, K.A., Reg. 31,118
McKinley, D., Reg. 42,867
McRoss, L., Reg. 40,427
Morton, C.A., Reg. 44,954
Nader, R., Reg. P47,260
Roberts, R.E., Reg. 38,597
Rose, A. C., Reg. 17,047
Rosenberg, C., Reg. 31,464
Sherry, L., Reg. 43,918
Smith, G.P., Reg. 20,142
Swienton, B., Re. P49,050
Wood, G.B., Reg. 28,133

whose address is:

OPPENHEIMER

OPPENHEIMER WOLFF & DONNELLY LLP

2029 Century Park East, Suite 3800

Los Angeles, California 90067

(310) 788-5000 • Fax (310) 788-5100

as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these attorneys ceases being affiliated with the law firm of Oppenheimer Wolff & Donnelly LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

An assignment of the entire interest in the above-identified subject application is submitted herewith for recording.

Please direct all correspondence for this application to C Berman.

ASSIGNEE:

Signature:



Typed Name:

Timothy William Parker

Position/Title:

DIRECTOR

Address:

222 St. Kilda Road

St. Kilda 3182

Victoria, Australia

Date:

18th February 2002

DECLARATION, POWER OF ATTORNEY AND PETITION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "Safety/Warning Device" the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. § 1.56(a).

I hereby declare: All statements of my own knowledge are true, and I believe that all statements made on information and belief are true. I make these statements with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued on the application.

POWER OF ATTORNEY

I appoint the following as my attorneys with full power of substitution and revocation, to prosecute said application and to transact in connection therewith all business in the Patent and Trademark Office and before competent International Authorities:

Berman, C., Reg. 29249
Bobys, M.P., Reg. 45,267
Bosworth, M.K., Reg. 28,186
Bovasso, L.J., Reg. 24,075
Boyce, J., Reg. 40,920
Brown, M.E., Reg. 28,590
Burton, D.L., Reg. 45,323
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Howell, S.M., Reg. 45,929
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Inskip, J.W., Reg. 33,910
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Khan, T., Reg. 46,273
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Larson, D.N., Reg. 29,401
Lazaris, S.J., Reg. 45,981
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Morton, C.A., Reg. 44,954
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Roberts, R.E., Reg. 38,597
Rose, A. C., Reg. 17,047
Rosenberg, C., Reg. 31,464
Sherry, L., Reg. 43,918
Smith, G.P., Reg. 20,142
Swinton, B., Reg. P49,050
Wood, G.B., Reg. 28,133

whose address is:

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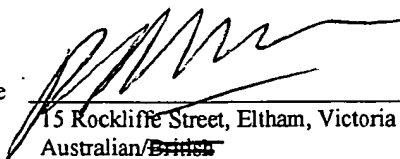
2029 Century Park East, Suite
3800
Los Angeles, California 90067
(310) 788-5000 • Fax (310) 788-
5100

Address all communications and telephone calls to Charles Berman of the below-listed firm at (310) 788 5000 and at e-mail address cbermail@oppenheimer.com.

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

Full name of sole or first inventor : Rex Carswell George Niven

Inventor's signature



Date

18th

February 2002

Residence:

15 Rockliffe Street, Eltham, Victoria 3095, Australia

Citizenship

Australian/~~British~~

Post Office Address

15 Rockliffe Street, Eltham, Victoria 3095, Australia



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/071,163	02/08/2002	Rex Carswell George Niven	21429-14

CONFIRMATION NO. 8616

FORMALITIES LETTER



OC00000007576240

Oppenheimer Wolff & Donnelly LLP
Suite 3800
2029 Century Park East
Los Angeles, CA 90067

Date Mailed: 03/04/2002

Resp 2 - 5/4/02

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

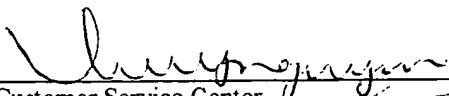
FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

A copy of this notice MUST be returned with the reply.


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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DATE 03-20-02

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OUR REF. #	INVOICE DATE	INVOICE NO.	C/M # CHGD.	DESCRIPTION	NET CK. AMT.
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Updated Filing Receipt
(04/25/02)



UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/071,163	02/08/2002	2635	575	21429-12	4	14	2

CONFIRMATION NO. 8616

Oppenheimer Wolff & Donnelly LLP
Suite 3800
2029 Century Park East
Los Angeles, CA 90067

UPDATED FILING RECEIPT



OC000000007960276

Date Mailed: 04/25/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Rex Carswell George Niven, Victoria, AUSTRALIA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 03/04/2002

Projected Publication Date: 08/14/2003

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Safety/warning device

Preliminary Class

340

DOCKETED

MAY 02 2002

OWD-LA**RECEIVED**

APR 25 2002

OWD

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).